

SCOPING NOTICE
ADMINISTRATIVE RULES FOR SENATE BILL 35
REGARDING STATE OWNED NAVIGABLE WATERWAYS
JULY 19, 2012

The Department is conducting an environmental review of the proposed rules for Senate Bill 35, and would like to solicit your comments regarding the potential impacts on the human and natural environment as a result of the proposed action.

SB 35 was sponsored by Senator Brad Hamlett, and passed in the 2011 regular legislative session. This legislation allows users of navigable rivers the ability to perfect their historic and new use of navigable rivers under a lease, license, or an easement. The Key components of SB 35 contained in the rules are:

77-1-1117. Board to adopt rules.

To fulfill the requirement of this part, the board shall adopt rules to:

- (1) Determine the full market value for the use of the bed of a navigable river and establish a minimum payment for lease and easements;
- (2) Allow an applicant to choose to apply for a lease, license or easement depending on the type of proposed use and the duration of the use; and
- (3) Allow the holder of a lease, license or easement to relocate or increase the size of a footprint based on natural relocation of a navigable river or other factors.

The proposed rules can be viewed online at <http://www.dnrc.mt.gov/PublicInterest/Notices/June/36-22-144pro-arm.pdf> or you may contact the DNRC to request a copy to be mailed to you.

Comments must be received by August 31, 2012. Please submit your written comments to:

Montana Department of Natural Resources and Conservation
Attention: Navigable Waterway Rules MEPA Comments
PO Box 201601
Helena, MT 59620.

Comments may also be submitted via email to Jessica Jenewein at jjenewein@mt.gov.